

FISCAL NOTE

HB 852 - SB 1054

March 10, 2007

SUMMARY OF BILL: Increases punishment for offense of leaving the scene of an accident. Punishable as a Class A misdemeanor if accident results in bodily injury to another; class E felony if accident results in serious bodily injury; class D felony if accident results in death; class C felony if accident results in bodily injury or serious bodily injury and the driver should have known of such injury; class B felony if accident resulted in serious bodily injury or death and the driver should have known of such injury, driver was intoxicated at the time, or the accident occurred in school or construction zone. All leaving the scene convictions served consecutively to sentence for any related conviction and driver's license revoked for at least one but not more than three years.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$692,200 / Incarceration*

Decrease Local Govt. Revenues – Not Significant

Decrease Local Govt. Expenditures – Not Significant

Assumptions:

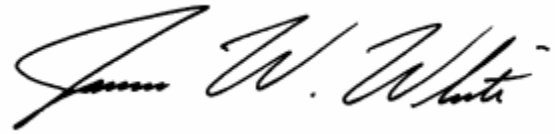
- Currently leaving the scene of an accident is a Class A misdemeanor unless the driver knew or should have known that death resulted from the accident, in which case the offense would be punishable as a Class E felony.
- According to the Administrative Office of the Courts, there has been an average of 49 misdemeanor convictions per year for the past three years for leaving the scene of an accident. The Department of Correction (DOC) estimates four percent (2) of those misdemeanor convictions involved the driver not knowing a death occurred and would result in a Class D felony under this bill.
- Two persons will be convicted of a Class D felony of leaving the scene of an accident resulting in death unknown to the defendant and will serve 0.6 years (219.15 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The cost for two additional offenders is \$26,368.12 (\$13,184.06 x 2).

- DOC estimates that 20 percent of the 49 misdemeanor convictions (10) involved the driver not knowing a serious bodily injury resulted and would be a Class E felony. Ten persons each year will be convicted of a Class E felony for leaving the scene of an accident resulting in serious bodily injury unknown to the defendant and will serve 0.3 years in the first year as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders serving 0.3 years. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost for 11 additional offenders in the tenth year is \$72,515.63 (\$6,592.33 x 11).
- DOC estimates that 20 percent of the 49 misdemeanor convictions (10) involved the driver knowing a serious bodily injury occurred and would be convicted of a Class C felony. Ten persons each year will be a Class C felony for leaving the scene of an accident resulting in serious bodily injury known to the defendant and will serve 0.9 years in the first year as a result of this bill. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year is based on 11 offenders serving 0.9 years. The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost for 11 additional offenders in the tenth year is \$217,540.40 (\$19,776.40 x 11).
- Fifty-three convictions for vehicular homicide and 31 for vehicular assault in FY06. DOC estimates that 10 percent (5) involved leaving the scene. In the first year, five sentences for vehicular homicide will be served consecutively rather than concurrently as under current law.
- Population growth of 1.09 percent per year will result in one additional sentence for vehicular homicide served consecutively in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 6 offenders serving 2.4 years. The cost per inmate at 2.4 years is \$52,736.27 (\$60.16 x 876.60 days). The total additional cost for six offenders is \$316,417.62 (\$52,736.27 x 6).
- DOC estimates that 10 percent (3) involved leaving the scene. Three sentences for vehicular assault will be served consecutively rather than concurrently as under current law. Three offenders will be convicted of a Class C felony and will serve 0.9 years (328.73 days). The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost for three additional offenders is \$59,329.20 (\$19,776.40 x 3).
- Increasing the punishments for leaving the scene of an accident will result in fewer misdemeanor convictions. There will not be a sufficient decrease in the number of prosecutions for local governments to experience any significant decrease in revenues or expenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director